

AMENDED IN ASSEMBLY MARCH 29, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 495

Introduced by Assembly Member Montanez

February 16, 2005

An act to amend Section 13385.1 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 495, as amended, Montanez. Waste discharge requirements: *penalties.*

Existing law, the Porter-Cologne Water Quality Control Act, ~~establishes various civil and criminal penalties for certain waste discharge requirement violations~~ *with certain exceptions, requires the imposition of a mandatory minimum penalty in the amount of \$3,000 for certain violations of waste discharge requirements, including for each serious violation, as defined, and, under certain circumstances, for a violation of a waste discharge requirement effluent limitation, a failure to file a waste discharge report, or a violation of a toxicity effluent limitation. Existing law defines "effluent limitation," for specified purposes, as a numeric or numerically expressed narrative restriction on the quantity, discharge rate, concentration, or toxicity units of a pollutant or pollutants authorized to be discharged from a location that is specified in waste discharge requirements.*

This bill would ~~declare legislative intent to enact legislation relating to the imposition of penalties for a failure to comply with waste discharge requirements~~ *redefine that term to mean a numeric restriction, or a narratively expressed numeric restriction, on the quantity, discharge rate, concentration, or toxicity units of a pollutant or pollutants that may be discharged from an authorized location.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

~~SECTION 1. It is the intent of the Legislature to enact legislation, in subsequent amendments, relating to the imposition of penalties for a failure to comply with waste discharge requirements.~~

SECTION 1. *Section 13385.1 of the Water Code is amended to read:*

13385.1. (a) (1) For the purposes of subdivision (h) of Section 13385, a “serious violation” also means a failure to file a discharge monitoring report required pursuant to Section 13383 for each complete period of 30 days following the deadline for submitting the report, if the report is designed to ensure compliance with limitations contained in waste discharge requirements that contain effluent limitations.

(2) Paragraph (1) applies only to violations that occur on or after January 1, 2004.

(b) (1) Notwithstanding any other provision of law, moneys collected pursuant to this section for a failure to timely file a report, as described in subdivision (a), shall be deposited in the Waste Discharge Permit Fund and separately accounted for in that fund.

(2) The funds described in paragraph (1) shall be expended by the state board, upon appropriation by the Legislature, to assist regional boards, and other public agencies with authority to clean up waste or abate the effects of the waste, in responding to significant water pollution problems.

(c) For the purposes of this section, paragraph (2) of subdivision (f) of Section 13385, and subdivisions (h), (i), and (j) of Section 13385 only, “effluent limitation” means a numeric ~~or numerically expressed narrative restriction, or a narratively expressed numeric~~ restriction, on the quantity, discharge rate, concentration, or toxicity units of a pollutant or pollutants ~~authorized to that may be discharged from a an authorized location that is specified in waste discharge requirements.~~ An effluent limitation may be final or interim, and may be expressed as a prohibition. An effluent limitation, for those purposes, does

- 1 not include a receiving water limitation, a compliance schedule,
- 2 or a best management practice.

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